

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SABEIN BURGESS,

*

Plaintiff,

*

v.

*

Civil Action No.: RDB-15-0834

BALTIMORE

*

POLICE DEPARTMENT *et al.*,

*

Defendants.

*

* * * * *

**PLAINTIFF’S MOTION *IN LIMINE* NO. 24
TO BAR DEFENDANTS’ “GOOD CHARACTER” EVIDENCE**

Now comes Plaintiff, Sabein Burgess, by and through his counsel, Loevy & Loevy, and respectfully moves this Court to bar Defendants’ commendations, awards, complimentary history, promotions, or performance reviews. In support thereof, Plaintiff states as follows:

Defendants may seek to introduce evidence of their “good character” by reference to prior work-related commendations, awards, complimentary history, promotions, or performance reviews. Plaintiff objects to any attempt to interject good character evidence into the trial. Rule 404(a) could not be clearer that “[e]vidence of a person’s character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion.” Fed. R. Evid. 404(a). Evidence of commendations, awards, and the like are cannot possibly be relevant to an issue in this trial other than to suggest that Defendants conducted themselves as model officers. *See, e.g., Zephryne v. Prince George’s County*, No. AW–02–1796, 2007 WL

5445450 at *1 (D. Md. Feb. 1, 2007) (police award was improper “good character” evidence under Rule 404). The evidence is irrelevant for that purpose *per se*.

WHEREFORE, Plaintiff respectfully moves this Court for an order barring references to Defendants’ commendations, awards, complimentary history, promotions, or performance reviews.

RESPECTFULLY SUBMITTED,

SABEIN BURGESS

/s/ Jon Loevy
Jon Loevy

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CERTIFICATE OF SERVICE

I, Jon Loevy, an attorney, hereby certify that on October 20, 2017, I filed the foregoing motion using the Court's CM/ECF system, which effected service on all counsel of record.

RESPECTFULLY SUBMITTED,

/s/ Jon Loevy

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